

Licensing Act 2003 Sub Committee

12 December 2016

Report of the Assistant Director – Planning & Public Protection

Section 18 (3) (a) Application for a premises licence for Ainsty Ales Brewery, Manor Farm, Intake Lane, Acaster Malbis, YO23 2PL

Summary

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-056879
3. Name of applicant: Ainsty Ales Brewery.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Plays	Mon – Fri 16:00 – 21:00 Sat 11:00 – 21:00
Films	Mon – Sat 16:00 – 21:00
Live Music	Mon – Thurs 16:00 – 21:00 Fri 15:00 – 21:00 Sat 10:00 – 21:00
Recorded Music	Mon – Thurs 08:00 – 21:00 Fri – Sat 08:00 – 21:00

Sale of alcohol (on sales)	Mon – Sat 09:00 – 18:00
Sale of alcohol (off sales)	Mon – Sat 09:00 – 22:00
Opening times	Mon – Sat 09:00 – 22:00

Background

6. A copy of the application is attached at Annex 1.

Promotion of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General
- a) A Challenge 25 policy will be in place with signs displayed.
 - b) All staff will be instructed in the Licensing Act 2003 and its objectives.
9. The prevention of crime and disorder
- a) Any persons behaving in a drunken manner will be asked to leave.
 - b) There will be signs reminding people not to drink and drive.
10. Public Safety
- a) There are 2 fire escapes, both well signed and smoke detectors are placed in the Tap Room area.
 - b) Fire notices will be displayed.
 - c) No smoking signs will be displayed.
11. The prevention of public nuisance
- a) Operating hours will cease at 22:00.

- b) There will be no music outside.
- c) Posters will be displayed asking customers to respect our neighbours and signs will be posted outside asking customers to keep noise to a minimum.

12. The protection of children from harm:

- a) As per paragraph 8.

Special Policy Consideration

13. This premise is not located within the special policy area.

Consultation

14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. The North Yorkshire Police have mediated with the applicants who have agreed to a number of conditions being attached to the licence if granted. These are shown at Annex 2.

Summary of Representations made by Parties other than Responsible Authorities

17. Three relevant representations have been received from local residents. These are shown at Annex 3.
18. A map showing the general area around the venue is attached at Annex 4.

Planning Issues

19. There are no planning issues regarding this application.

Options

20. By virtue of s18 (4) of the Act, the Committee have the following options available to them in making their decision: -
21. Option 1: Grant the licence in the terms applied for.
22. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
23. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
24. Option 4: Reject the application.

Analysis

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

30. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

31. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

32.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

33. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
34. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

35. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel No. (01904) 551515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and
Public Protection.

**Report
Approved**



Date 22/11/2016

Specialist Implications Officer(s)

Assistant Director of Legal & Governance
Ext: 1004

Wards Affected: Bishopthorpe

For further information please contact the author of the report

Background Papers:

Annex 1 - Application Form

Annex 2 - Police Conditions

Annex 3 - Representations

Annex 4 - Map of Area

Annex 5 - Mandatory Conditions

Annex 6 - Legislation and Policy Considerations